

of the district court in each of the counties therein; to reorganize the Seventy-second Judicial District of the State of Texas and fixing the time of holding the terms of the district court in each of the counties therein; to make all processes issued or served before this act goes into effect, including recognizances and bonds, returnable to the terms of the district court as herein fixed; to attach the unorganized counties of Cochran and Hockley to Lubbock county for judicial and all other purposes; to attach the unorganized county of Loving to Reeves county for judicial and all other purposes; to attach the unorganized county of Crane to Ector county for judicial and all other purposes, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,

Monday, February 3, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Terrell.
Conner.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McNealus.	Willacy.

Absent.

Astin.	Paulus.
Cowell.	Real.
Gibson.	Taylor.
Lattimore.	Wiley.
McGregor.	

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of Friday the same was dispensed with, on motion of Senator Weinert.

(See Appendix for petitions and memorials and standing committee reports.)

EXCUSED.

On account of important business:

Senator Lattimore, indefinitely, on motion of Senator Carter.

Senator Astin for today, on motion of Senator Terrell.

Senator Paulus for today, tomorrow and Wednesday, on motion of Senator Murray.

BILLS AND RESOLUTIONS.

By Senators Johnson, Townsend, Collins, Westbrook and Lattimore:

Senate bill No. 220, A bill to be entitled "An Act to authorize the qualified voters of any county or political subdivision thereof in this State to determine by an election to be held for that purpose, whether or not pool rooms or pool halls shall be prohibited in such county or subdivision thereof; to provide the manner of holding elections for such purpose and declaring the result thereof; defining the term pool room or pool hall, and providing a penalty for the violation of the provisions of this act; and providing that after such county or subdivisions thereof has prohibited by vote the running of pool rooms or pool halls the county attorney of such county, or the district attorney of the district in which such county is located may by injunction prohibit the running of such pool rooms or pool halls, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senator Lattimore:

Senate bill No. 221, A bill to be entitled "An Act to make it unlawful to sell, barter or exchange spirituous, vinous and malt liquors or medicated bitters in quantities of one gallon or less, in any place in this State, other than a legally licensed saloon; defining a legally licensed saloon, naming certain places where such sales may not be made; forbidding such acts to be done by indirection; requiring legally licensed saloons to have signs of certain character, at certain places; fixing penalties; providing for injunction in certain cases; making act cumulative of existing laws, and declaring an emergency."

Read first time and referred to Judiciary Committee No. 2.

By Senators Nugent, Terrell, Hudspeth, Watson and Collins:

Senate bill No. 222, A bill to be entitled "An Act to prohibit the pernicious prac-

tice of 'hazing' in the State educational institutions, to provide penalties therefor, to provide for the dismissal of teachers, instructors, members of faculties, officers and directors of such State institutions who permit such practices, for their ineligibility for service as such teachers, instructors, members of faculties, and officers and directors for a term of years thereafter, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Bailey:

Senate bill No. 223, A bill to be entitled "An Act to require any person, persons, firm or corporation before laying out or platting any addition within seven miles of an incorporated city or town of fifty thousand or more inhabitants, to first submit the plats of said addition to the commissioners court of the county in which the land to be platted lies, for the approval of said court, which approval shall be obtained for sale and before the plat of said addition shall be admitted to record, and providing a penalty."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Collins:

Senate bill No. 224, A bill to be entitled "An Act to provide for the taxation of any lease held for mineral purposes, but not being used for such purposes."

Read first time and referred to Committee on Mining and Irrigation.

By Senator Collins:

Senate bill No. 225, A bill to be entitled "An Act making it compulsory to provide adequate fire escapes upon all buildings of over two stories in height used now or hereafter wholly or in part as a seminary, college, academy, schoolhouse, dormitory, lodging house, hotel or hospital, for the accommodation of transient guests, manufactory, wholesale retail or department store, or in any place in which five or more persons shall be assembled."

Read first time and referred to Judiciary Committee No. 2.

By Senator Collins:

Senate bill No. 226, A bill to be entitled "An Act to provide for the health, safety and comfort of employes in factories, mercantile establishments, mills and workshops or other establishments in

this State, and to provide for the enforcement thereof."

Read first time and referred to Committee on Commerce and Manufactures.

By Senator Darwin:

Senate bill No. 227, A bill to be entitled "An Act to provide for the appointment of commissioners to investigate and report upon the system of rural credit and agricultural co-operative societies in use in various European countries, making an appropriation to cover the expenses of said delegates, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senators Hudspeth, Murray, Watson, Weinert, Kauffman, Nugent and Terrell:

Senate bill No. 228, A bill to be entitled "An Act to amend Article 6394 of the Revised Civil Statutes of 1911, relating to the Alamo property in the city of San Antonio, which belongs to the State, giving custody of same to the Superintendent of Public Buildings and Grounds, under the control of the Governor, and providing that it shall be restored as near as possible to its condition at the time of the massacre of the Texans in what is known as 'The Battle of the Alamo.'"

Read first time and referred to Committee on Public Buildings and Grounds.

By Senator Kauffman:

Senate bill No. 229, A bill to be entitled "An Act creating and establishing the Angleton Independent School District, in Brazoria county, Texas, and defining its boundaries, providing for its management and control under the General Laws relating to Independent School Districts, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

(By unanimous consent after the conclusion of the morning call.)

By Senator Murray:

Senate bill No. 230, A bill to be entitled "An Act defining certain classes of indemnity contracts, prescribing regulations thereof, fixing a license fee, providing for the issuance of a permit, providing penalty for violation thereof, and declaring an emergency."

Read first time and referred to Committee on Insurance, Statistics and History.

SIMPLE RESOLUTION.

By Senator Collins:

Whereas, Trouble has arisen between the faculty of the Agricultural and Mechanical College and the cadets at said college; and,

Whereas, We believe it was the duty of the faculty to stop hazing at any cost of number in the attendance of students at said institution; therefore, be it

Resolved by the Senate of Texas, That we heartily commend the course of President Milner, of said college, and the faculty for standing by him, and hereby pledge the Legislature of Texas so far as we can to the support and maintenance of said institution free from the practice of hazing.

Morrow, Carter, Kauffman, Warren, Johnson, Conner, Collins, Nugent, Westbrook, Murray, Vaughan, Darwin, Greer, McNealus, Bailey, Brelsford, Terrell, Watson, Hudspeth, Weinert.

The resolution was read and adopted.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 3, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

House Joint Resolution No. 5, Ratifying the amendment to the Constitution of the United States of America proposed by the Sixty-second Congress of the United States of America providing that Senators shall be elected by the people of the several States.

House bill No. 5, A bill to be entitled "An Act to authorize the commissioners court of any county in this State to levy and collect a tax not to exceed five cents on each one hundred dollars of assessed valuation of the county for one year for the purchase and improvement of lands for county parks, and providing the manner of acquiring lands for park purposes, including the right to condemn lands for such purpose, and providing for the management and control of said county parks."

House bill No. 16, A bill to be entitled "An Act to amend Chapter 6, Title 64, of the Revised Civil Statutes of the State of Texas of 1911, by adding Article 4091a, authorizing the county judge in certain cases to appoint temporary

guardians for minors and persons of unsound mind."

House bill No. 383, A bill to be entitled "An Act making appropriations for deficiencies in appropriations made for the support of the State Government for the fiscal year ending August 31, 1912, and to meet emergency deficiencies approved by the Governor for the erection of a mess hall and main building at the Agricultural and Mechanical College, and for repairs of buildings and grounds of the Deaf and Dumb Institute, Blind Institute and Insane Asylum at Austin; and making an urgent appropriation necessary for the completion of the building at the College of Industrial Arts for Women, and to buy fuel for the Blind Institute, to pay balance for furniture and furnishing of Governor's mansion, and to pay per diem and traveling expenses of members of the State Mining Board."

House bill No. 310, A bill to be entitled "An Act to amend Sections 3, 4 and 12, and to repeal Sections 14, 15, 16, 17 and 18 of a special act passed by the Thirty-second Legislature, being Chapter 21, Special Laws, 1911, entitled, 'An Act to create a more efficient road system for Gregg county, making the county commissioners ex-officio road commissioners, providing for compensation for county commissioners when engaged in road duties, providing for the employment by the commissioners court of a road commissioner and limiting his salary to be fixed by the court, further defining the duties of road overseers, defining the duties of county commissioners and the road commissioner; providing for the working of county convicts and delinquent poll taxpayers on the public roads, authorizing the employment of guards and the discharging thereof, and providing for the relieving of delinquent poll taxpayers by the payment of three dollars, or the payment to the tax collector of the poll tax with all interest, penalties and cost; providing for rewards and penalties for escaped convicts; making such liable to the county for ten dollars and giving the option of working same out at fifty cents per day and providing for such to be warned by the road commissioner, and providing a penalty in case of failure to pay or work; providing for the duties of road overseers and road hands, making such subject to furnish teams, and providing penalties in case of failure to obey summons or warning; relieving all persons liable to road duty upon payment of three dollars to the county treasurer on or before

February 1, of each year, giving full powers over the road system to the commissioners court; providing that all misdemeanor convicts be promptly committed to the road gang, and prescribing penalties for any county judge, county attorney, sheriff, deputy sheriff, justice of the peace or constable who shall fail to so commit or deliver all convicts to the road gang, or who shall, upon any partial payment or deposit of money to be thereafter applied on fine of any defendant, continue said defendants' case and providing penalties for a violation thereof; providing and authorizing Gregg county, upon a vote of two-thirds majority of the resident property taxpaying voters thereon, who are qualified electors of such county to issue bonds in any amount not to exceed one-fifth of the assessed values of the real property of said county in annual installments of either \$10,000, \$15,000 or \$20,000, each installment after the first to be issuable at the option of the commissioners' court, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof, for the purposes of constructing, maintaining or operating of macadamized, graded, graveled or paved roads and turnpikes, or in aid thereof; providing the manner of giving notice of such election, fixing method of issuing such bonds as to rate of interest, maturity, option of redemption; making this law cumulative of the general road laws of the State of Texas, and in case of conflict with the general laws of the State, this act to control as to Gregg county, and declaring an emergency, and ratifying, confirming and validating an issue of \$100,000 of Gregg county special road bonds, heretofore voted by said county, and declaring an emergency."

Respectfully,
W. R. LONG,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Mayes) had referred, after their captions had been read the first time, the following House bills:

House Joint Resolution No. 5, referred to Committee on Constitutional Amendments.

House bill No. 5, referred to Committee on County and County Boundaries.

House bill No. 16, referred to Judiciary Committee No. 1.

House bill No. 383, referred to Committee on Finance.

House bill No. 310, referred to Committee on Roads, Bridges and Ferries.

SENATE CONCURRENT RESOLUTION NO. 6.

By Senators Conner, Hudspeth and Watson:

Senate Concurrent Resolution No. 6, Be it resolved by the Senate, the House concurring, That the President of the Senate appoint a committee of three and the Speaker of the House a like committee, which joint committee shall visit Gatesville and investigate the condition of the State Institution for the Training of Juveniles, looking to the better equipping of said institution as to buildings necessary for the health and instruction of the inmates in common school, industrial, manual and agricultural branches.

With such recommendation as such committee may consider necessary, looking to improvement of said institution and the class or classes of teachers necessary to give proper instruction in several branches taught in said institution; such changes as may be necessary in the law for the classification and separation of the inmates; and such as may be necessary to clearly define the duties of trustees, superintendent, teachers and such other employees as may be necessary in said institution, and to make such other recommendations governing the management and control thereof as they may deem proper, including the present condition of said institution as compared with conditions existing prior to September 1, 1912. This to include the physical condition of the buildings, grounds, etc., as well as the care, management, control and betterment of the inmates.

The resolution was read and adopted.

SIMPLE RESOLUTION.

By Senator Hudspeth:

Whereas, There is a distinguished member, and a much loved one, in the gallery; therefore be it

Resolved, That honest old Jim Terrell be brought to the President's stand and deliver an old-time address and the privileges of the floor be extended to him.

HUDSPETH.
VAUGHAN.
JOHNSON.

The resolution was read and adopted by a rising vote.

The Chair appointed Senators Hudspeth, Vaughan and Johnson as a committee to escort ex-Senator Terrell to the President's stand, whereupon he addressed the Senate briefly.

Morning call concluded.

SENATE BILL NO. 4 MADE SPECIAL ORDER.

Senator McNealus moved that Senate bill No. 4 be made a special order for Wednesday, February 5, after the conclusion of the morning call.

Unanimous consent was granted and the bill was so made a special order.

SIMPLE RESOLUTION.

By Senator Collins:

Whereas, Hon. R. A. Greer of Beaumont, Texas, an honored ex-member of this honored body, is in the city;

Resolved, That he be invited to address the Senate, and be extended the privileges of the floor.

The resolution was read and adopted.

SENATE BILL NO. 7.

On motion of Senator Johnson, and by unanimous consent, the regular order of business was suspended, and the Senate took up, out of its order Senate bill No. 7, which had been finally passed and the vote by which same was passed having been reconsidered and tabled and that motion rescinded and the motion to reconsider spread on the Journal.

Senator Weinert moved to reconsider the vote by which the bill was finally passed.

The motion prevailed.

Senator Weinert moved to reconsider the vote by which the bill was ordered engrossed.

The motion prevailed.

The Chair laid before the Senate, on second reading,

Senate bill No. 7, A bill to be entitled "An Act authorizing the incorporation of mutual hail insurance companies, regulating the business of such companies, providing for the investment of reserve fund, requiring annual reports and fixing the fees to be paid by such companies, and declaring an emergency."

Senator Weinert moved to rescind the vote by which the amendment, by Senator Brelsford, to the amendment by Senator Carter, amending Section 3, was

adopted. (See Journal of January 30, for the proceedings on the bill.)

The motion prevailed.

Senator Hudspeth moved to table the amendment to the amendment, which motion to table prevailed.

Senator Weinert offered the following amendment:

Amend the bill by eliminating the amendment offered by the Senator from Shelby to Section 3 as referred to on page 232 of the Journal.

The amendment was adopted.

Senator Weinert moved to rescind the vote by which the amendment by Senator Carter was adopted.

The motion prevailed.

Senator Hudspeth moved to table the amendment by Senator Carter (See proceedings of January 30).

The motion to table prevailed.

Senator Hudspeth offered the following amendment:

Amend the bill, page 3, Section 6, line 29, by adding after the word "notes" the following:

"Provided that no contract shall be made providing for payment of any obligation by the insured except those given by the charter members referred to in Section 3 of this act, in any county other than the county in which the insured has his domicile."

The amendment was read and adopted.

The bill was read second time and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Morrow.
Brelsford.	Murray.
Carter.	Nugent.
Collins.	Terrell.
Conner.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
McNealus.	Willacy.
Real.	

Absent—Excused.

Astin	Paulus.
Lattimore.	

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Terrell.
Darwin.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McGregor.	Westbrook.

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
Real.	Willacy.

Absent—Excused.

Astin.	Paulus.
Lattimore.	

Senator Weinert moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 98 MADE SPECIAL ORDER.

Senator Murray moved that Senate bill No. 98 be made a special order for tomorrow morning after the conclusion of the morning call.

The motion prevailed.

HOUSE BILL NO. 29.

On motion of Senator Brelsford, and by unanimous consent, the pending order of business, Senate bill No. 84, was suspended, and the Senate took up, out of its order, House bill No. 29.

The Chair laid before the Senate, on second reading,

House bill No. 29, A bill to be entitled "An Act to authorize the Missouri, Kansas & Texas Railway Company of Texas to lease, for a term of not less than twenty-five years, the railroad of the Texas Central Railroad Company, extending from the city of Waco, McLennan county, Texas, to the town of Rotan, Fisher county, Texas; the railroad of the Wichita Falls & Northwestern Railway Company of Texas, extending from the city of Wichita Falls, Wichita county, Texas, to the

Texas-Oklahoma State line; the railroad of the Wichita Falls & Southern Railway Company, extending from the city of Wichita Falls, Wichita county, Texas, to the town of Newcastle, Young county, Texas; the railroad of the Wichita Falls & Wellington Railway Company of Texas, extending from the Texas-Oklahoma State line into and through Collingsworth county, Texas, to the town of Wellington, in said county; the railroad of the Wichita Falls Railway Company, extending from the city of Henrietta, Clay county, Texas, to the city of Wichita Falls, Wichita county, Texas; the railroad of the Denison, Bonham & New Orleans Railroad Company, extending from a point near the city of Denison, Grayson county, Texas, to the city of Bonham, Fannin county, Texas; the railroad of the Dallas, Cleburne & Southwestern Railway company, extending from the city of Cleburne to the town of Egan, Johnson county, Texas; and the railroad of the Beaumont & Great Northern Railroad, extending from Weldon, in Houston county, Texas, to Livingston, in Polk county, Texas, or any of them, with the branches and extensions of said railroads constructed, or to be constructed, together with the properties, franchises and appurtenances pertaining thereto, and at any time during the life of said lease or leases, to purchase, own, operate and maintain the same, or any of them, as a part of its line, and to complete and extend the said railroad, or any of them, as contemplated and provided in the respective charters of the said Texas Central Railroad Company, the Wichita Falls & Northwestern Railway Company of Texas, the Wichita Falls & Southern Railway Company, the Wichita Falls & Wellington Railway Company of Texas, the Wichita Falls Railway Company, the Denison, Bonham & New Orleans Railroad Company, the Dallas, Cleburne & Southwestern Railway Company, and the Beaumont & Great Northern Railroad, with the right to make such other extensions and construct such branches as may be hereafter authorized by amendment of its charter under the laws of the State of Texas; and to vest said companies, and each of them, with the power to make and execute all necessary contracts and agreements to effect said leases, purchases and sales, or any of them; and to authorize the said The Missouri, Kansas & Texas Railway Company of Texas to assume the payment of the bonds and other indebtedness of the said railroad and railway companies, or any

of them, and to purchase the issued and outstanding stock of the said railroad and railway companies, or any of them, and to exchange its own stock and bonds for the stock and bonds of the said railroad and railway companies, or any of them, or to substitute its own bonds under the laws of the State of Texas and subject to the approval of the Railroad Commission of Texas, in lieu thereof; and to prescribe the terms and conditions upon which said leases, purchases and sales may be made; and requiring the courts to take judicial notice of its provisions, and declaring an emergency."

On motion of Senator Terrell the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report).

On motion of Senator Terrell the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Terrell the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Terrell.
Darwin.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McGregor.	Willacy.

Nays—1.

Westbrook.

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
Real.	

Absent—Excused

Astin	Paulus.
Lattimore.	

The bill was read third time and passed.

Senator Terrell moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

REASONS FOR VOTE.

Senator Townsend's reasons for voting for the Missouri, Kansas & Texas Railway Company consolidation bill:

The Wichita Falls & Northwestern Railway Company of Texas, mileage 17.10. The railway of this company extends from Wichita Falls, in a northerly direction, to Red River. The company was incorporated in 1906. The road was financed and built by J. A. Kemp and Frank Kell, of Wichita Falls.

Wichita Falls & Wellington Railway Company of Texas, mileage 15.00. The railway of this company extends from the Texas-Oklahoma State line, on the east boundary of Collingsworth county, to the town of Wellington, in said county. The company was chartered in 1910, and was financed and built by Kemp and Kell.

The Wichita Falls & Southern Railway Company, mileage 56.21. The railway of this company extends in a southerly direction from Wichita Falls to the town of Newcastle, in Young county. The company was incorporated in 1907, and the road was financed and built by Kemp and Kell.

The Wichita Falls Railway Company, mileage 17.88. This company was chartered in 1894, and constructed and owns a railroad from Henrietta, in Clay county, to Wichita Falls in Wichita county. This road has been continuously operated by The Missouri, Kansas & Texas Railway Company of Texas since March 1, 1895, under a contract approved by the Railroad Commissioner of Texas through Messrs. John H. Reagan, Chairman, and L. L. Foster, Commissioner.

The Denison, Bonham & New Orleans Railroad Company, mileage 24.15. This company was chartered in 1901, and constructed and owns a line of railroad from Bonham Junction, in Grayson county, near Denison, to the town of Bonham, in Fannin county. The properties of this company have been operated by The Missouri, Kansas & Texas Railway Company of Texas since December 6, 1901, on which date an operating contract between said companies was approved by the Railroad Commission of Texas, through Messrs. L. J. Storey and Allison Mayfield, Commissioners.

The Dallas, Cleburne & Southwestern Railway Company, mileage 9.82. This company's line extends from Egan, in Johnson county, to Cleburne, in the same county. The company was incorporated in 1902. The properties of the company have been operated by The Mis-

souri, Kansas & Texas Railway. Company of Texas since December 20, 1902, under a contract approved by the Railroad Commission of Texas through Messrs. L. J. Storey and Allison Mayfield, Commissioners.

The Beaumont & Great Northern Railroad, mileage 48.3. This company was chartered in 1905, and constructed and owns a line of railroad from Livingston, in Polk county, to Weldon, in Houston county. The road traverses a lumber region, and was constructed primarily to serve the lumber interests of William Carlisle and his associates.

Some of the benefits that will accrue to the railroads mentioned and the public, if the proposed legislation is enacted, are briefly set out in the following statement:

"You probably understand that under the law every railroad company is required to maintain a working organization and corps of officers. It is apparent that if the properties mentioned are operated as a unit, a large part of the expense incident to separate operation can be avoided. As all expense comes out of the freight and passenger rates, anything that tends to reduce expense is not only for the benefit of the roads involved, but the public who patronize them and who pay the rates.

"Some of the advantages to this company may be briefly mentioned. Its buying power would be improved, as it would purchase material in larger volume and secure for itself better prices. The volume of its business would be increased, which would tend to decrease the transportation expense of handling. Its fixed expenses would be spread over a larger mileage, which would tend to decrease the expense per unit. It would be able, by handling a larger volume of traffic, to provide better facilities. By the extension of its service to the lines proposed to be leased, it would enable the merchants along its line to expand their business, thereby increasing its business, etc.

"The benefits to the leased lines would be largely the same. They would secure material and supplies at a less rate. Their fixed expenses would be reduced by having a trunk line with which to pro rate them. Their service would be improved by having an established and well-organized trunk line from which to secure equipment. They would reap the benefit of the entire organization of this company in its freight, passenger, immigration, publicity and other departments. For example, this company's immigration and industrial bureau would at once

extend its activities to the leased lines, which would result in increasing the population and productive power of the adjacent communities.

"In other words, the leased lines, by becoming parts of this company, would get the benefit and influence of its entire organization and business built up at great expense and years of labor. They would, as it were, be taken as new partners into an old and established business.

"The above largely suggests the benefits that would accrue to the people on the lines of this company and those proposed to be leased. One-line rates would prevail as between all points on the leased lines and this company's lines. Such rates are now in effect only on the Texas Central Railroad. Standard Missouri, Kansas & Texas wages would be paid all train and enginemen on the leased lines. This would increase substantially their earnings. Shippers on the leased lines could secure their supplies with greater facility, and travel with more convenience to and from markets reached via this company's rails, because should the smaller lines become a part of this company, through freight and passenger-car arrangements would be perfected, through tickets could be purchased, baggage checked through, and the delay and annoyance of interchange at junction points, and imperfect train connections, reduced to a minimum. There would also result better mail and express service, better sleeping car facilities, and through sleeping car routes where none are now established. As the leased lines would have the privilege of drawing on this company for equipment, they could in many instances operate better trains, and trains they cannot now operate for lack of sufficient equipment, for example, low-rate excursions at certain seasons."

Again, I cast my vote for the bill because I am petitioned to do so by my constituents of Trinity and Houston counties, as the bill peculiarly affects their interests—being promised by said railroad an extension of the "Katy" Railroad from Trinity, in Trinity, through Weldon, in Houston county, to a point at or near Waco, in McLennan county, thereby connecting these branch lines with the main line of the Missouri, Kansas & Texas Railroad, giving the people of Trinity and Houston counties, additional mileage and railroad facilities so badly needed by them, thereby de-

veloping the agricultural and commercial resources of this section of my district.
TOWNSEND.

SIMPLE RESOLUTION.

By Senator Carter:

Whereas, The Hon. C. C. McDonald, ex-Secretary of State, and a prominent attorney of El Paso is now in the city; therefore, be it

Resolved, That he be invited to address the Senate on such subject as he sees fit and that he be extended the privileges of the floor.

The resolution was read and adopted and Mr. McDonald, being escorted to the President's stand by a committee, addressed the Senate briefly.

HOUSE BILL NO. 125.

On motion of Senator Conner, and by unanimous consent, the regular order of business was suspended, and the Senate took up, out of its order, House bill No. 125.

The Chair laid before the Senate, on second reading,

House bill No. 125, A bill to be entitled "An Act to amend Section 11 of the special road law for Erath county, Texas, relating to the compensation of the county commissioners of said county as ex-officio road commissioners."

On motion of Senator Conner the committee report, which provided that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Conner the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Terrell.
Conner.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Willacy.

Absent.

Cowell.	Real.
Gibson.	Taylor.
Murray.	Wiley.

Absent—Excused.

Astin.	Paulus.
Lattimore.	

The bill was read third time and passed by the following vote:

Yeas—22.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Nugent.
Collins.	Terrell.
Conner.	Townsend.
Darwin.	Vaughan.
Greer.	Warren.
Hudspeth.	Watson.
Johnson.	Weinert.
Kauffman.	Westbrook.
McGregor.	Willacy.

Absent.

Cowell.	Real.
Gibson.	Taylor.
Murray.	Wiley.

Absent—Excused.

Astin.	Paulus.
Lattimore.	

Senator Conner moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

RECESS.

On motion of Senator Johnson, the Senate, at 12:50 o'clock p. m., recessed until 2:30 o'clock today.

AFTER RECESS.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Mayes.

SENATE BILL NO. 84.

The Chair laid before the Senate, as the pending business from last Friday, Senate bill No. 84, the question being on the motion by Senator Watson to recommit the bill to the Committee on State Affairs.

The motion to recommit was adopted.

SENATE BILL NO. 29.

The Chair laid before the Senate, Senate bill No. 29, the M., K. & T. Railway consolidation bill.

Senator Terrell moved that the bill be laid on the table subject to call.
The motion prevailed.

SENATE BILL NO. 23.

The Chair laid before the Senate, as pending business,

Senate bill No. 23, A bill to be entitled "An Act to amend the Revised Penal Code of the State of Texas of 1911, being Chapter 8, Title 11, by adding thereto Article 622a, making it a misdemeanor for any minor to enter or remain in any saloon or place where intoxicating liquors are sold or to purchase any intoxicating liquors, and fixing the punishment therefor, and declaring an emergency."

Senator Watson moved that the bill be laid on the table, subject to call.

The motion prevailed.

SIMPLE RESOLUTION.

By Senator Vaughan:

Resolved by the Senate, That the following be added to the standing rules of the Senate:

Rule 64a. No Senator shall be permitted to call up for consideration or for the setting for consideration, a bill or resolution or other matter, after having obtained consideration by the Senate of a bill or resolution at his request, or on his motion, until after every Senator, requesting the same, shall have been recognized and permitted to obtain consideration of such bill or resolution as he may request, and this rule shall be applied so as to give every Senator an equal opportunity to call up such bills as he may request.

The resolution was read and Senator Carter offered the following amendment:

Amend the resolution by adding after the word "request" the following: "Provided the above does not apply to local bills, which shall be considered on Friday of each week."

Pending discussion several points of order were made, but on further discussion the Chair ruled that he would refer the resolution to Committee on Rules.

Senator Watson offered the following substitute for the resolution:

Be it resolved, That the Senate amend the rules of the Senate by adding rule 63-z, to read as follows:

Rule 63-z. No standing rule or order of the Senate shall be rescinded or changed without one day's notice being given of the motion therefor.

The resolution and substitute were referred to Committee on Rules.

SENATE BILL NO. 22—MADE SPECIAL ORDER.

Senator Hudspeth moved that Senate bill No. 22 be made a special order for Wednesday morning, after the conclusion of the morning call.

The motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4.

The Chair laid before the Senate Senate Concurrent Resolution No. 4, Providing for the donation by the State of Texas of rifles to the camps of Confederate veterans.

The resolution was read and adopted.

HOUSE BILL NO. 225—FINAL PASSAGE.

The Chair laid before the Senate, by unanimous consent, on third reading,

House bill No. 225, A bill to be entitled "An Act to appropriate the sum of \$100,000, or so much thereof as may be necessary, to provide funds for the operation of the Penitentiary System, and declaring an emergency."

The bill was read third time and passed by the following vote:

Yeas—21.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Terrell.
Darwin.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McGregor.	

Nays—1.

Westbrook.

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
Real.	Willacy.

Absent—Excused.

Astin.	Paulus.
Lattimore.	

Senator Weinert moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 86.

On motion of Senator Vaughan, by unanimous consent, the regular order of business, Senate bill No. 26, was suspended, and the Senate took up, out of its order, Senate bill No. 86.

The Chair laid before the Senate, on second reading,

Senate bill No. 86, A bill to be entitled "An Act authorizing the trustees of common school districts and independent school districts to direct the time for conducting the public free schools in such districts at such time, and in such number of terms as may be deemed by them for the best interests of those within the scholastic age entitled to attend such schools and to suspend any term of such schools when the average daily attendance thereon in any one month shall fall below 30 per cent of the scholastic population of such district, and providing for an emergency."

The bill was read second time and ordered engrossed.

On motion of Senator Vaughan, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Bailey.	Murray.
Brelsford.	Nugent.
Carter.	Terrell.
Collins.	Townsend.
Conner.	Vaughan.
Darwin.	Warren.
Greer.	Watson.
Hudspeth.	Weinert.
Kauffman.	Westbrook.
McNealus.	Willacy.
Morrow.	

Absent.

Cowell.	Real.
Gibson.	Taylor.
Johnson.	Wiley.
McGregor.	

Absent—Excused.

Astin.	Paulus.
Lattimore.	

The bill was read third time and passed by the following vote:

Yeas—21.

Bailey.	Carter.
Brelsford.	Collins.

Conner.	Nugent.
Darwin.	Terrell.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
McNealus.	Weinert.
Morrow.	Westbrook.
Murray.	

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
McGregor.	Willacy.
Real.	

Absent—Excused.

Astin.	Paulus.
Lattimore.	

Senator Vaughan moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 173.

On motion of Senator Carter, by unanimous consent, the pending order of business, Senate bill No. 26, was suspended, and the Senate took up, out of its order, House bill No. 173.

The Chair laid before the Senate, on second reading,

House bill No. 173, A bill to be entitled "An Act to create a special road system for Shelby county, Texas, and making the county commissioners ex-officio road commissioners and overseers, providing for compensation for superintending and overseeing; providing for compensation for agents or deputies; providing for number of days' work required for each hand; providing for condemnation of lands and other property for road and bridge purposes; providing for working county convicts on the public roads and supplies therefor and for recapture of escaped county convicts and punishment; commissioners to care for county road tools; providing for payment of three dollars and exempting from road duty for the year; providing for delinquent or insolvent poll tax payers shall be subject to road duty permitting substitution, making it a misdemeanor for every person subject to road duty under this act to fail to comply and punishment therefor; commissioner may contract, may employ a civil engineer and requiring railroad companies to ditch and drain their right of way and giving the commissioner the right to do so upon the railroad's failure after giving time; providing donations from private

citizens or corporations, and classification of all public roads; requiring officials connected with public roads to make reports, division of road and bridge funds into four equal parts, allowing exemption certificates; requiring tax collector to furnish lists, making this act cumulative of the general laws and special laws now enforced, not in conflict herewith, to repeal all laws in conflict with this act, and declaring an emergency."

On motion of Senator Carter the committee report, which provided that the bill be not printed, was adopted.

Senator Carter offered the following amendment, which was read and adopted:

Amend caption by inserting after the word "punishment," in line 9, the following: "Providing for drainage of public roads and penalty for failure to comply and to establish road districts and apportion road fee to same; providing for specification or data necessary to successful road and bridge construction and authorizing the building of sand and clay roads with penalty."

The bill was read second time and passed to a third reading.

On motion of Senator Carter, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	McNealus.
Brelsford.	Morrow.
Carter.	Murray.
Collins.	Nugent.
Conner.	Terrell.
Darwin.	Townsend.
Greer.	Vaughan.
Hudspeth.	Warren.
Johnson.	Watson.
Kauffman.	Weinert.
McGregor.	Westbrook.

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
Real.	Willacy.

Absent—Excused.

Astin.	Paulus.
Lattimore.	

The bill was read third time and passed by the following vote:

Yeas—23.

Bailey.	Carter.
Brelsford.	Collins.

Conner.	Nugent.
Darwin.	Terrell.
Greer.	Townsend.
Hudspeth.	Vaughan.
Johnson.	Warren.
Kauffman.	Watson.
McGregor.	Weinert.
McNealus.	Westbrook.
Morrow.	Willacy.
Murray.	

Absent.

Cowell.	Taylor.
Gibson.	Wiley.
Real.	

Absent—Excused.

Astin.	Paulus.
Lattimore.	

Senator Carter moved to reconsider the vote by which the bill was passed and lay that motion on the table.

The motion to table prevailed.

ADJOURNMENT.

On motion of Senator Collins, the Senate, at 3:50 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

BILL AND RESOLUTION SIGNED.

The Chair, Lieutenant Governor Mayes, gave notice of signing, and did sign, after its caption had been read, the following bill and resolution:

Senate bill No. 163, "An Act to reorganize the Thirty-second Judicial District of the State of Texas, and fixing the time of holding the terms of the district court in each of the counties therein; to reorganize the Seventieth Judicial District of the State of Texas, and fixing the time of holding the terms of the district court in each of the counties therein; to reorganize the Twenty-second Judicial District of the State of Texas and fixing the time of holding the terms of the district court in each of the counties therein; to make all processes issued or served before this act goes into effect, including recognizances and bonds, returnable to the terms of the district court as herein fixed; to attach the unorganized counties of Cochran and Hockley to Lubbock county for judicial and all other purposes; to attach the unorganized county of Loving to Reeves county for judicial and all other purposes; to attach the unorganized county of Crane to Ector

county for judicial and all other purposes, and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

House Concurrent Resolution No. 1, Relating to form of printing bills for the House of Representatives.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 1, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: A majority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 85, A bill to be entitled "An Act to amend Article 4621, Title 68, Chapter 3, of the Revised Civil Statutes of the State of Texas, as enacted in the year 1911, so as to make the separate property of the wife, the rents and revenues derived from property, whether real or personal, granted to the wife by will, deed or otherwise, with the provision that the rents and revenues derived therefrom shall be her separate property; and to exempt the same from the management and control of her husband and from debts contracted by him; repealing all laws or parts of laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but that the following substitute do pass, entitled committee substitute for Senate bills Nos. 15, 35, 85 and 100:

Committee Substitute for Senate bills 15, 35, 85 and 100.

By Morrow, Hudspeth and Carter:

A BILL

To Be Entitled

An Act to amend Articles 4621, 4622, 4624 and 4626, Title 68, Chapter 3, of the Revised Statutes, 1911, concerning the marital rights of parties; defining separate and community property of the husband and wife; conferring upon the wife power to make contracts, authorizing suits on such contracts, repealing Article 4625, Title 68, Chapter 3, Revised Statutes, and all laws and parts of laws in conflict therewith.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4621, Title

68, Chapter 3, of the Revised Statutes be so amended as to read as follows:

Article 4621. All property, both real and personal of the husband, owned or claimed by him before marriage, that acquired afterwards by gift, devise or descent, as also the increase of all lands thus acquired, shall be his separate property. All property of the wife, both real and personal, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, as also the increase of all lands thus acquired, shall be the separate property of the wife, but during the marriage the husband shall have the sole management of all such property except as hereinafter provided.

Sec. 2. The personal property of the wife shall not be disposed of or incumbered by the husband without the written consent of the wife, and he shall not withdraw funds being her separate property from the hands of any bank, person or corporation with whom same was deposited or held without her consent in writing. The real property of the wife shall only be disposed of by the husband and wife as provided by Article 1114, Chapter 24, Revised Statutes of the State of Texas in the year 1911. Provided, that should the wife desire to dispose of her personal property, or her real property, it not being a homestead, or should the husband mismanage or dissipate the same or be about to do so, or become incapacitated from any cause to properly manage the same she may make application by petition filed in the district court of the county in which such real estate, or part thereof, is situated, or in the county of her domicile in this State, setting forth the fact that she desires to dispose of her property, and that her husband refuses to consent to the same, or that he has mismanaged or dissipated the same, or is about to do so, or that he has become incapacitated to properly manage the same, and after ten days notice of the filing of said petition served upon the husband the court in term time or vacation shall hear said petition, and if upon hearing thereof it shall hear said petition, and if upon hearing thereof it shall determine that the disposition of said property is to the best interests of the wife, or is necessary for her maintenance, or for the education or support of her children, or those dependent upon her for support the court shall direct the disposition of the same, and shall in its judgment provide that the wife may convey the same without joinder by her husband, and after entry

of said judgment the wife may convey the same without joinder by her husband, and the certificate of acknowledgment to such conveyance shall be valid if taken in the form as though she were a feme sole, and thereafter the proceeds of said sale shall be subject to her separate control, as shall all of her property described in said petition.

Sec. 3. Should the husband fail to support the wife or her children in the manner required by their station in life, or should he be dissipating the community property, or threaten to do so, or should he become incompetent to properly manage or control same and preserve the same, in either of such events the wife shall be authorized by petition to the district court of the county of her domicile in this State to set forth the facts or fact hereinabove enumerated, and after ten days' notice of the filing of said petition upon the husband the court in term time or vacation, shall inquire into the truth of the allegations in said petition, and if found to be true, shall enter a judgment setting apart to the wife such part of the community property of said husband and wife as the court may determine necessary to protect the interest of the wife therein, not exceeding half of the same, and shall cause a list or inventory of same to be entered of record and shall designate the part so set aside to the wife and thereafter same shall be subject to her management and control and disposition, and under such circumstances the wife's personal earnings shall be her separate property and under her sole control.

Sec. 4. Be it further enacted, That article 4622, Title 68, Chapter 3, of the Revised Statutes, be so amended as to read as follows: Article 4622. All property acquired by either husband or wife during the marriage, except that which is acquired by gift, devise or descent, shall be deemed the common property of the husband and wife, and during the coverture may be disposed of by the husband only except as herein provided, and provided further that when the husband shall fail to support the wife in the manner that her station in life demands her earnings shall be subject to her control and she may sue for same in her own name.

Should the husband fail or refuse to support his wife from the proceeds of the lands, money or personal property she may have, or fail to educate her children as the fortune of the wife would justify, she may, in either case,

complain to the district court in the county of the domicile, which, upon satisfactory proof, shall decree that so much of such proceeds shall be paid to the wife for the support of herself and for the nurture and education of her children, as the court may deem necessary.

Sec. 5. When the community property or the separate property of the wife shall have been by order of the court placed under her control, as provided herein, her contracts which are not elsewhere forbidden herein, shall be binding upon her and her coverture shall not be a defense to any suit of action based on such contract, but such suits may be brought in the manner described by Articles 1840 and 1841 of the Revised Statutes of the State of Texas in the year 1911, except that her husband need not join or be joined.

Sec. 6. Be it further enacted, That Article 4625, Title 68, Chapter 3, of the Revised Statutes, and all other laws and parts of laws in conflict herewith, be, and the same are hereby repealed.

Sec. 7. The proceeds of any recovery for personal injury to husband or wife shall be the separate property of the party injured.

MORROW, Chairman.

Committee Room,

Austin, Texas, February 1, 1913.

Hon. Will H. Mayes, President of the Senate:

Sir: A minority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 85, A bill to be entitled "An Act to amend Article 4621, Title 68, Chapter 3 of the Revised Civil Statutes of the State of Texas, as enacted in the year 1911, so as to make the separate property of the wife the rents and revenues derived from the property, whether real or personal granted to the wife by will, deed or otherwise with the provision that the rents and revenues derived therefrom shall be her separate property; and to exempt the same from the management and control of her husband and from debts contracted by him; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Have had the same under consideration and beg leave to report the same back to the Senate with the recommendation that it do not pass, but that the following substitute do pass, entitled Committee Substitute for Senate bills Nos. 15, 35, 85 and 100:

A BILL

To Be Entitled

"An Act to amend Articles 4621, 4622, 4624, Title 68, Chapter 3, of the Revised Statutes of 1911, concerning the marital rights of persons, defining the separate and community property of the husband and wife, conferring upon the wife power to make contracts, authorizing suits on such contracts, giving the wife control over her separate property, giving her control over the income from her separate property and over her personal earnings, providing that the consent of the husband shall be necessary to the conveyance of the wife's land, except that upon the order of the district court she may convey her separate land without the consent of the husband, repealing Article 4625, Title 68, Chapter 3, Revised Statutes, and all other laws and parts of laws in conflict herewith, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 4621, Title 68, Chapter 3, of the Revised Statutes, be so amended as to read as follows:

Article 4621. All property, both real and personal, of the husband, owned or claimed by him before marriage and that acquired afterward by gift, devise, or descent, as also the increase of all lands thus acquired, shall be his separate property. The separate property of the husband shall not be subject to debts contracted by the wife, either before or after marriage, except for necessities furnished to herself and children after her marriage with him. All property of the wife, both real and personal, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, as also the increase of all lands thus acquired, shall be the separate property of the wife, and during the marriage the husband shall have the sole management, control and disposition of his separate property, both real and personal, and the wife shall have the sole management, control and disposition of her separate property, both real and personal; provided, however, the written consent of the husband shall be necessary to a conveyance, incumbrance or lease by the wife of lands belonging to her as her separate property; provided also, that if the husband shall refuse to give his written consent to a conveyance, incumbrance or lease by the wife of such lands, then the wife may apply to the district court of

the county of her residence and it shall be the duty of the court upon satisfactory proof that such conveyance, incumbrance or lease of such lands belonging to the wife would be advantageous to the interests of the wife the court shall make an order granting her permission to convey, incumber or lease the same without such consent of her husband, in which event she may do so without the husband's consent; provided also, that the separate property of the wife shall never be subject to the payment of debts contracted by the husband.

Sec. 2. Be it further enacted, That Article 4622, Title 68, Chapter 3, Revised Statutes, be amended as to read as follows:

Article 4622. All property acquired by either husband or wife during the marriage, except that which is acquired by gift, devise or descent, shall be deemed the common property of the husband and wife, during coverture may be disposed of by the husband only; provided, however, that the personal earnings of the wife and the income from her separate property shall be under the control and disposition of the wife alone. Such personal earnings and income, however, shall be community property and liable for debts of the community.

Sec. 3. Be it further enacted, That Article 4624, Title 68, Chapter 3, Revised Statutes, be so amended as to read as follows:

Article 4624. The wife may make any contracts which she would be authorized to make but for her marriage, except those herein or elsewhere forbidden and her coverture shall never be a defense in any suit or action based on such contract, but suits thereon may be brought in the manner described by Articles 840 and 841; provided, however, that neither the separate property of the husband, nor the community property other than personal earnings of the wife and the income from her separate property shall be subject to the payment of any debt contracted by the wife except those contracts for necessities furnished her and her children.

Sec. 4. Be it further enacted, That Article 4625, Title 68, Chapter 3, of the Revised Statutes and all other laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 5. Be it further enacted, That the fact that the present laws deny to married women the right to manage their separate property and to make contracts, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three

several days be suspended and that this act shall become effective from and after its passage, and it is so enacted.

VAUGHAN.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 184, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches, or any part thereof, within the time required by law, and declaring an emergency,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

KAUFFMAN, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

House bill No. 29, A bill to be entitled "An Act authorizing the Missouri, Kansas & Texas Railway Company of Texas to lease the Texas Central Railroad Company and other railroad and railway companies, and buy the stock and bonds and securities of said companies, and substitute the stock, bonds and securities of the Missouri, Kansas & Texas Railway Company of Texas for the same, and to operate the same as one system,"

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass, and be not printed.

KAUFFMAN, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 166, A bill to be entitled "An Act to amend Articles 735, 737 and 743 of Title 8, Chapter 5 of the Revised Code of Criminal Procedure of the State of Texas, and to add Article 737a, relating to charges and instructions to

juries in cases of the grade of felony, so as to provide that the charge in such cases shall be read to the jury before the argument begins, with certain exceptions, and providing for the form and manner of taking exceptions to the charges,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 88, A bill to be entitled "An Act to amend Section 9, Section 9g, Section 14 and Section 15, of Chapter 17, General Laws passed by the First Called Session of the Thirty-first Legislature, regulating the sale of intoxicating liquor, and fixing the hours of opening and closing any house or place of business where intoxicating liquor is licensed to be sold,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment:

Amend the caption so as to read as follows: A bill to be entitled An Act to amend Article 7435 of the Revised Civil Statutes of 1911.

And amend so as to read as follows: Be it enacted by the Legislature of the State of Texas that Article 7435 of the Revised Civil Statutes of 1911 be amended to read as follows:

Article 7435. That any person, etc., (beginning at Section 9, on page one).

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 111, A bill to be entitled "An Act to amend so much of Chapter 5, Title 8, of the Code of Criminal Procedure for the State of Texas relating to charges of the court by repealing Articles 735, 736, 737, 737a and 743, as follows,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 158, A bill to be entitled "An Act prescribing that not more than one person at the same time shall be permitted to occupy any compartment, voting booth or place prepared for a voter, prohibiting an election judge, clerk, officer or other person from assisting any voter in preparing his ballot, in marking same or indicating by words, signs, symbol, writing or by any other means, to any voter how he should or should not vote; prescribing penalties, for the violation of this act; repealing all laws in conflict therewith, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 204, A bill to be entitled "An Act defining and creating the occupation of contracting stevedores; requiring all such to execute bond payable to the county judge, conditioned to protect and pay wages to laborers employed by such contracting stevedores in loading and unloading ships, vessels or other water crafts, and requiring all such to obtain a license before engaging in such occupation in each county in which they pursue it; making it unlawful to pursue said occupation without first giving bond and obtaining the license, and punishing such as a misdemeanor by fine, and declaring an emergency."

Have had the same under consideration and I am instructed to report same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 199, A bill to be entitled "An Act to amend Article 1063, Chapter

8. Title 15, of the Penal Code of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, and providing that the age of consent on the part of the female on cases of rape shall be raised from fifteen to sixteen years, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 109, A bill to be entitled "An Act to amend Article 1349 of the Criminal Code, of the State of Texas, relating to receiving stolen property and providing what shall constitute a prima facie case,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 211, A bill to be entitled "An Act to amend Article 302, Chapter 2, Title 7, of the Penal Code of the State of Texas,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

Committee Room,
Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 142, A bill to be entitled "An Act requiring railroads, machine shops and other concerns, manufacturing or repairing cars within this State to provide all tracks upon which such cars are manufactured or repaired, to be provided with derailing devices, providing penalties for violations thereof, and fix-

ing the time for this act to become operative."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendments:

Amend the bill, on page 1, line 14, by striking out the words "at points," after the word "cars," and insert in lieu thereof the following words, "on tracks." Amend further by striking out Section 3.

CONNER, Chairman.

Committee Room,

Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 126, A bill to be entitled "An Act to require applications under oath to be made for witnesses in felony cases; to provide adequate penalties against district clerk or his deputy for unlawfully issuing subpoenas in felony cases; to define the duties of the district judge with reference to sheriffs' accounts, and to provide for fees of witnesses residing in the county of the prosecution in felony cases,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CONNER, Chairman.

(Floor Report).

Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 12, A bill to be entitled "An Act incorporating and creating the Sabinal independent school district of Uvalde county, Texas, for free school purposes only, defining its boundaries, declaring valid all issues of bonds heretofore made, declaring valid a maintenance tax heretofore voted and declaring an emergency,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed.

Paulus, Chairman; Darwin, Johnson, Real and Weinert.

17—S

(Floor Report).

Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 96, A bill to be entitled "An Act creating an independent school district to be known as Calallen Independent School District, and to provide for the creation of a board of trustees thereof and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers, and providing authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of said board and further prescribing the duty and authority of said board of trustees, and repealing all laws in conflict herewith and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Paulus, Chairman; Darwin, Johnson, Real and Weinert.

Committee Room,

Austin, Texas, January 31, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 31, A bill to be entitled "An Act to amend Article 6272, Revised Civil Statutes of 1911, adopted by the Thirty-second Legislature, defining indigency within the meaning of the pension laws of this State, and declaring an emergency,"

And find the same correctly engrossed.

BRELSFORD, Chairman.

Committee Room,

Austin, Texas, February 3, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 6, A bill to be entitled "An Act granting to the Cuero Light and Power Company, now owning and maintaining a dam across the Guadalupe river, near Cuero, Texas, being a

corporation duly incorporated under the laws of the State of Texas, having its domicile in the City of Cuero, in DeWitt county, Texas, and having there established its principal offices and place of business, power, privilege and authority to maintain its dam already in existence and to erect, build, construct, maintain and operate two additional dams across the Guadalupe river in DeWitt county, Texas, one at any point on said river above what is known as Heard's bridge, a public highway of DeWitt county, Texas, across said river, and between said Heard's bridge and what is known as the Clinto bridge across said river in DeWitt county, Texas, also being a public highway bridge, and the other dam to be erected at some point within one mile below or above what is known as the Rochheim bridge across the said Guadalupe river in DeWitt county, Texas, the same being a public highway bridge across said river, and in connection with each of said dams to erect reservoirs, lakes, locks, abutments, buildings and machinery, and to grant to said Cuero Light and Power Company the privileges and right to use all of the land and water and riparian rights, and all the rights of every character of the State of Texas in, to and adjacent to said Guadalupe river between the points above mentioned and at the location of the dam now owned by them, including especially such rights in its bed, channel, banks, waters, falls, powers and current; granting and conferring upon said corporation the power, authority and privilege to dam and overflow the water of said Guadalupe river and its tributaries at the points above mentioned and up said stream from said points of said dam as far as the back water or reservoirs of said dams would extend; and in any manner to deepen, lower, drain and excavate the channel, bed and banks of said Guadalupe river from said dams across said Guadalupe river as far back as any back water or reservoir will extend; and to back the water in said Guadalupe river and its tributaries up the said river above mentioned to any height, and declaring an emergency."

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,
Austin, Texas, February 3, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Concurrent Resolution No. 4,
And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,
Austin, Texas, February 3, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 29, A bill to be entitled "An Act to authorize the Missouri, Kansas and Texas Railway Company of Texas to lease for a term of not less than twenty-five years the railroad of the Texas Central and certain other short lines within this State,"

And find the same correctly engrossed.
BRELSFORD, Chairman.

Committee Room,
Austin, Texas, February 3, 1913.

Hon. Will H. Mayes, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 7, A bill to be entitled "An Act authorizing the incorporation of mutual hail insurance companies, regulating the business of such companies, providing for the investment of reserve fund, requiring annual reports and fixing the fees to be paid by such companies, and declaring an emergency,"

And find the same correctly engrossed.
BRELSFORD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Conner:

Notification of resolutions passed by McCulloch county Medical Society in opposition to Senator Kauffman's bill, pending before the Senate, licensing Optometry.

By Senator McNealus:

Petition signed numerously by citizens of Dallas county, Texas, asking support of the Love-Wortham bill, which makes nine hours a day lawful for the working of women in certain industries; also asking for the passage of the Woods model child labor bill.

By Senator McNealus:

Petition numerously signed by druggists, manufacturers of medicines and other citizens of Dallas county, Texas, requesting the passage of a law requir-

ing rural wagon peddlers of medicines to register as pharmacists.

By Senator Nugent:

Petition numerously signed by citizens of Walker county opposing the optometry bill and requesting action to accomplish its defeat.

By Senator Carter:

Numerously signed petition from citizens of Harris county, endorsing legislation granting counties or subdivisions thereof, authority to create bond issues for road building purposes by majority vote of the people.

By Senators Darwin and Nugent:

Petitions numerously signed by citizens of their respective districts protesting against the creation of legislation prohibiting rural wagons from peddling medicines, stock foods, etc.

By Senator Hudspeth:

Petition signed numerously by citizens of El Paso protesting against the passage of that portion of Senate bill No. 39, relative to the closing of theaters on Sunday.

By Senator McNealus:

The following telegram:

Dallas, Texas, January 31, 1913.

Hon. J. C. McNealus and Dallas Senators, Austin, Texas.

The Dallas County Retail Druggists' Association is opposed to any legislative measure prohibiting the use of one-tenth of one per cent of sodium benzoate as a preservative in soda fountain products, climatic conditions in Texas makes it impossible to manufacture or handle these products and the use of this preservative as now permitted is harmless and safe. This association respectfully solicits your influence in defeat of any such measure.

CECIL V. ROGERS, President.

CHESTER A. DUNCAN, Secretary.

By Senator Townsend:

The following telegram:

Groveton, Texas, January 30, 1913.

W. J. Townsend, Senator, Austin, Texas.

We are opposed to bill introduced into Legislature to create a "Public Service Commission," because it would be a great handicap to the controllers of the immense wealth invested in public utilities and would be a great menace to the business welfare of the country, and we would thank you very much to oppose

this bill when it comes up for consideration.

L. H. Almar, John D. Collins, J. A. Platt, Haynes Nelms, C. H. Ben'ey and S. L. Orr.

By Senator Townsend:

Letter signed by stockholders of Crockett Ice, Electric Light and Power Company of Crockett, Texas, protesting against passage of a public service commission bill.

By Senator Hudspeth:

Petition numerously signed by citizens of Tom Green county, protesting against change in quarantine law which would invest greater power in the hands of the live stock sanitary commission to establish additional quarantine lines or districts, general or special.

By Senator Townsend:

Petition numerously signed by citizens of Trinity county, Texas, asking support of the Missouri, Kansas and Texas consolidation bill, as it was originally introduced.

By Senator Hudspeth:

Various petitions and telegrams signed numerously by citizens of the State at large and addressed to Governor O. B. Colquitt, transmitting the following message:

"I wish to see the Alamo saved, repaired and restored to the condition it was before the Siege of the Alamo. I stand with you for the saving of the Alamo and the conservation of Texas history, and I thank you for the position you have taken in the matter. I am a descendant of one of the pioneers of Texas and I am one of the original Daughters of the Republic of Texas."

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,

Tuesday, February 4, 1913.

The Senate met pursuant to adjournment and was called to order by Lieutenant Governor Will H. Mayes.

Roll call, a quorum was present, the following Senators answering to their names:

Astin.	Conner.
Bailey.	Darwin.
Brelsford.	Greer.
Carter.	Hudspeth.
Collins.	Johnson.